

Page 10

1 Q. Lillington?

2 A. I live near Dunn, the town of Dunn.

3 Q. Okay.

4 A. Uh-huh (yes).

5 Q. So you commute?

6 A. Yes, sir.

7 Q. In this particular case, you initiated
8 charges against Trooper Huff.

9 A. Yes, sir.

10 Q. And I'm sorry, there's one question I
11 forgot to ask. What have you reviewed prior to
12 coming here today?

13 A. I reviewed the investigative file, the
14 internal affairs file, all the investigation
15 transcripts, the attachments to that, the
16 documentation that goes with the whole process
17 from beginning the initial -- the initial
18 circumstances that brought Trooper Huff to our
19 attention until -- and I also reviewed the
20 unemployment insurance appeal hearing that you
21 mentioned earlier. All of those things in there.

22 Q. Did you have an opportunity to see the
23 opinion that came down from the Court of Appeals
24 in the last couple of weeks in the unemployment
25 matter?

Page 12

1 documents that you reviewed?

2 A. If they're in order. Are they in order?

3 Q. Yes, they are. May be double sets.

4 They are.

5 (Off-record comments)

6 Q. We'll come back to that.

7 Did you initiate the internal affairs
8 complaint against Trooper Huff?

9 A. Yes, sir.

10 Q. And was that done on or about January
11 17, 2014, as a document, Exhibit Four in front of
12 you?

13 A. Yes, sir. This appears to be the
14 service memo I completed along with the personnel
15 complaint on January 7th, 2014.

16 Q. January 17, 2014?

17 A. Yes, sir.

18 Q. Okay. I thought you said 7th ---

19 A. No, sir, 17th. Excuse me.

20 Q. Okay. And so the -- my understanding
21 from Lieutenant Carter's deposition is that a
22 decision was made to have an informal
23 investigation of Trooper Huff before this
24 complaint was made?

25 A. Yes, sir, and I don't know the -- have

1 internal affairs investigators Carter and
2 Snotherly after the interview?

3 A. After the interview, they reported it to
4 me. Of course, they completed the report of
5 investigation, the HP721. As far as other things
6 that they did as far as interviews, off the top of
7 my head, I -- I don't know.

8 Q. Okay. Sitting here, you can't ---

9 A. No, sir.

10 Q. --- recall anything that they did?

11 A. Yes, sir.

12 Q. And if Lieutenant Carter just testified
13 that once the investigation was completed and the
14 report was written up, that was the end of her
15 activity ---

16 A. Yes, sir.

17 Q. --- is there anything else that would've
18 been done?

19 A. I'll have to ask you to repeat it. I'm
20 sorry. I just don't quite understand.

21 Q. That's fine. I told you to tell me if
22 you don't understand. And I've been talking all
23 day. So, at some point, the questions are
24 nefarious and you have to be less loose. Try it
25 again in a little different way.

Page 24

1 necessarily take them off the road. I don't think
2 it's necessarily fair to the employee. I think
3 that would be making a predetermination on the
4 case. I think if we had -- could we have taken
5 him off the road? Yes, sir, absolutely. We could
6 have. Would that have been the most appropriate
7 thing to do in Mr. Huff's case? I don't
8 necessarily agree that it would be.

9 Q. Okay. Were you aware that there were
10 100 DWIs charged by Mr. Huff in this three-month
11 time period?

12 A. Can you ask that question again?

13 Q. Were you aware that Trooper Huff, in
14 those three months that he was on the road,
15 charged 100 drivers with DWI and those -- all
16 those charges were dismissed as a result of
17 Trooper Huff's dismissal?

18 A. That's not the -- no, sir.

19 Q. What's the information that you have?

20 A. Looking at the initial federal
21 complaint, and I think we -- I think it's been
22 provided somewhere. Did a check of the CAD
23 history where we enter in our activity for
24 arrests, time spent, collisions investigated.
25 From the time that Mr. Huff graduated from patrol

1 want to keep it.

2 Q. (Mr. James) So, all right. During this
3 entire period of January 11, 2014, through April
4 21, 2014, your job duty was as the captain of
5 internal affairs. Is that accurate?

6 A. Yes, sir.

7 Q. Okay. And on April 16, 2014, as
8 referenced on your time line of events, a
9 predisciplinary conference is held with
10 Trooper Huff so that he can provide any further
11 information regarding the recommendation he be
12 dismissed ---

13 A. Yes, sir.

14 Q. --- from the North Carolina Highway
15 Patrol. Did I read that correctly?

16 A. Yes, sir.

17 Q. And so my question for you is, when was
18 Trooper Huff presented with the additional
19 charges?

20 A. There was a notice of predisciplinary
21 conference. It's a -- the director of
22 professional standards, which was Major Harris at
23 the time, makes a recommendation. The colonel
24 makes a -- concurs with it and recommends that a
25 predisciplinary conference be held. And on -- at

Page 35

1 Colonel Grey that the findings should be other
2 than as recommended, he was going to be dismissed.

3 A. That was the recommendation. But, like
4 you -- the predisciplinary conference was
5 scheduled for him to provide any other mitigating
6 or any -- any other information he wanted the
7 colonel to know before he made his final decision.

8 Q. Okay. And you know I deposed
9 Colonel Grey this morning?

10 A. Yes, sir.

11 Q. Did you speak with him after his
12 deposition?

13 A. I just asked him how long his deposition
14 was. He said three hours. That was it.

15 Q. It didn't seem like three hours.

16 So my understanding of Trooper Grey's
17 testimony is that unless Trooper Huff -- then
18 Trooper Huff could have persuaded Trooper Grey
19 that the facts were other than as found in the
20 investigative report, there was nothing that
21 would've persuaded Colonel Grey to not dismiss
22 him.

23 A. That -- that's -- I don't want to, I
24 guess, restate. That is Trooper -- or Mr. Huff's
25 -- that was his opportunity to provide any new

Page 36

1 information or any information he wanted the
2 colonel to know. So that is absolutely his
3 opportunity to provide -- provide information for
4 Colonel Grey to consider.

5 Q. Okay. What information could
6 Trooper Huff have conceivably provided that would
7 have resulted in a different outcome than his
8 dismissal?

9 A. I don't know.

10 Q. Were you asked your opinion by either
11 then Major Harris or the colonel about what was
12 the appropriate discipline to take in
13 Trooper Huff's case?

14 A. No, sir, not that I recall.

15 Q. Sorry, I lost your time line. What was
16 the number? Oh, 32. That's why I lost it.

17 Did you confirm that Scott Stanbury's
18 pending criminal case was dismissed by the DA's
19 office?

20 A. When I looked it up in the AOC files in
21 preparation for Mr. Huff's employee advisory
22 hearing, I did an inquiry into the AOC courts and
23 that's where I have seen that this case was
24 dismissed on June the 10th.

25 Q. Okay. Did you ever investigate by

Page 45

1 that's going to result in dismissal or it would
2 depend on the speed and the circumstances?

3 A. This would depend on the case, yes, sir.

4 Q. Okay. What lesser violations could
5 Trooper Huff have been subjected to other than
6 dismissal?

7 A. It could range -- it could start out --
8 start at the lowest level and work -- to start, he
9 could've been exonerated, could have been issued a
10 written warning, could've been suspended from one
11 to ten days or couldn't have been dismissed.

12 Q. Okay. That's the range?

13 A. Yes, sir. Does that answer your
14 question?

15 Q. Yes, sir, it sure does. I meant to ask
16 that earlier of someone else and forgot, so I
17 appreciate you telling me that.

18 Who made the decision that Trooper Huff
19 was untruthful?

20 A. Just based on the memorandums, it would
21 be Major Harris made the recommendation just as a
22 -- I guess as a process, too. Major Harris makes
23 the recommendation to Colonel Grey. And then
24 Colonel Grey makes a -- after the predisciplinary
25 conference, makes a final decision on what

1 policies were violated.

2 Q. During your tenure at the State Highway
3 Patrol, have there been other state troopers had a
4 charge of the truthfulness provision
5 substantiated?

6 A. Yes, sir.

7 Q. And were they dismissed as a result?

8 A. Yes, sir.

9 Q. Is that a zero tolerance for the patrol?

10 A. Yes, sir. Just speaking in general
11 terms, yes, sir.

12 Q. Are you aware of any state trooper not
13 terminated when a violation of truthfulness
14 provision is substantiated?

15 A. I'm not aware of any that has been
16 actually disciplined for truth -- any trooper or
17 employee that's been disciplined for truthfulness
18 that has not been terminated.

19 Q. Okay. There was a charge of violation
20 of rules.

21 A. Yes, sir.

22 Q. Who made the decision Trooper Huff
23 violated a rule?

24 A. Again, that would be Major Harris's
25 recommendation and the colonel's decision.

Page 60

1 location of the items for sale as Canton, Ohio,
2 and Ohio respectively."

3 Q. All right. Did you know his in-laws are
4 from Canton, Ohio?

5 A. If I did, I don't remember. Are you
6 asking me did I know that?

7 Q. Yes.

8 A. If I did, I don't remember.

9 Q. It's in the report of investigation?

10 A. Yes, sir.

11 Q. Okay. His in-laws are from Canton,
12 Ohio. It -- nowhere does it say Trooper Huff
13 attempted to conceal this online transaction,
14 correct?

15 A. Yes, sir.

16 Q. That trail audit is not accurate,
17 correct?

18 A. I think it's accurate in that what it's
19 trying -- what he was dismissed for. Does it use
20 the same words as to 343? No, sir.

21 Q. Well, "attempt to conceal" has a
22 criminal connotation, correct?

23 A. Well, he used the -- I'll just go back
24 to the charge sheet. He -- in the charge sheet,
25 and it is quoted, "admitted that he used the Ohio

Page 61

1 location because he 'didn't really want this to
2 come to light.'"

3 Q. Do you have a personal email account?

4 A. No, sir.

5 Q. Never have?

6 A. I may have in years past. I ain't -- I
7 ain't used it in ten or 12 years. I can't
8 specifically recall ever having one.

9 Q. All right. Are you familiar with people
10 that have private email accounts ---

11 A. Yes, sir.

12 Q. --- having usernames?

13 A. Yes, sir.

14 Q. They make them up because, if you didn't
15 get on the internet real early and reserve a
16 username with someone like AOL or gmail, you've
17 got to start adding numbers and ---

18 A. Yes, sir.

19 Q. --- nicknames and things like that. Do
20 you think those people that do that are trying to
21 conceal their identity?

22 A. I don't know.

23 Q. Okay. You're not going to tell me that
24 you think that's incorrect, attempted to conceal
25 this online transaction?

1 A. In my opinion, no, sir.

2 Q. The next to that last sentence reads,
3 "Trooper Huff was untruthful with investigators
4 when questioned about the selling of his issued
5 equipment." Is the issued equipment shoes?

6 A. Yes, sir.

7 Q. All right. That's what we're talking
8 about, shoes?

9 A. Yes, sir.

10 Q. And the untruthfulness is the page 21
11 and page 35 where Trooper Huff was asked generally
12 did you sell anything else, "No, no, no," and then
13 thereafter, a page later, he says, "Oh, I sold the
14 shoes," correct?

15 A. I believe he was asked if he'd ever sold
16 any shoes or belts or anything online and he said
17 no.

18 Q. He said no and then ---

19 A. And earlier in the interview, he said he
20 had never. I'm paraphrasing.

21 Q. It's those two occasions, right?

22 A. Yes, sir.

23 Q. Okay. So the sentence that reads,
24 "Trooper Huff sold a pair of issued class A Oxford
25 uniform shoes on an online auction site."

1 Actually, that's what he did, correct?

2 A. Yes, sir.

3 Q. And the conclusion is that he shouldn't
4 have done it because they were state issued and
5 you all believe it's a violation of 14-91?

6 A. Yes, sir.

7 Q. And that he was untruthful when asked
8 about it during his -- during the investigation,
9 correct?

10 A. Yes, sir, that's what he was disciplined
11 for.

12 Q. And that he sold it through the name
13 Buckeye5351, correct?

14 A. Yes, sir.

15 Q. All three of these are the same item,
16 just characterized differently?

17 A. This is all the same online transaction.

18 Q. Okay.

19 A. Yes, sir.

20 MR. JAMES: All right. That's all
21 I have. Thank you, sir.

22 MS. HILL: I have just a few.

23 EXAMINATION

24 BY MS. HILL:

25 Q. What does the term "I really didn't want

1 A. Yes, ma'am.

2 Q. So would it appear to you that at least
3 at the beginning of this predisciplinary
4 conference, at least according to this transcript,
5 that Mr. Huff had at least received that 721 and
6 those memorandums that we just talked about?

7 A. Yes, ma'am.

8 Q. Okay. Now, you made the complaints --
9 the initial complaints about these personal
10 conduct violations. Is that correct?

11 MR. JAMES: Object to form.

12 THE WITNESS: Yes.

13 Q. (Ms. Hill) Had you heard of Scott
14 Stanbury before you made those complaints?

15 A. No, ma'am.

16 Q. When you made these complaints about
17 these personal conduct violations, on what were
18 you basing them?

19 A. Basing it on the information we had
20 received about the -- the campaign hat in the
21 patrol car and the subsequent information that we
22 received from the preliminary investigation.

23 Q. When's the first time you heard Scott
24 Stanbury's name?

25 A. During the unemployment insurance appeal

Page 68

1 hearing, I believe, part two. I don't know the
2 date.

3 Q. So at that point, Mr. -- unemployment
4 security commission -- unemployment insurance
5 hearing, by that point, Mr. Huff had already been
6 terminated, correct?

7 A. Yes, ma'am.

8 Q. So first time you'd heard Mr. Stanbury's
9 name, is it your testimony, sir, that -- at least
10 from your part in this, did Mr. Stanbury have
11 anything to do with the complaints that you lodged
12 against Mr. Huff?

13 A. No, ma'am.

14 Q. Did the governor have anything to do
15 with the complaints you lodged against Mr. Huff?

16 A. No, ma'am.

17 MS. HILL: Those are my questions.

18 Thank you.

19 MR. JAMES: I just have one more.

20 EXAMINATION

21 BY MR. JAMES:

22 Q. She keeps using the word "complaints."

23 You lodged one complaint ---

24 A. Yes, sir.

25 Q. --- against Mr. Huff, Trooper Huff then,